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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,504	12/05/2003	Toru Suzuki	Q78277	7847

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SUGHRUE MION, PLLC
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WASHINGTON, DC 20037

EXAMINER

MAGEE, CHRISTOPHER R

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/727,504	Applicant(s) SUZUKI ET AL.	
	Examiner Christopher R. Magee	Art Unit 2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The reply filed on 10/12/2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The written response to the Office Action is unclear and muddled with editing notes (see attached pages 6-8). See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Magee whose telephone number is (571) 272-7592. The examiner can normally be reached on M-F, 8: 00 am-5: 30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

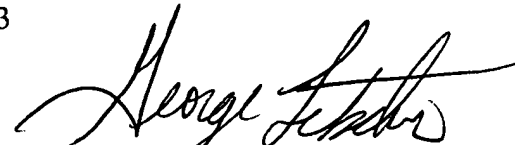
Art Unit: 2653

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher R. Magee
Patent Examiner
Art Unit 2653

December 16, 2005
crm



GEORGE J. LETSCHER
PRIMARY EXAMINER

REMARKS

Claims 1-8 have been examined and rejected. Claims 1-8 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over DE 197 53 690 to Tamiya ("Tamiya") in view of U.S. Patent No. 4,759,008 to Hirano *et al.* ("Hirano"). Claims 9-10 are added by this Amendment. Accordingly, claims 1-10 are all the claims pending in the present application. For at least the following reasons, Applicant respectfully traverses this rejections.

CLAIM AMENDMENTS

Claims 1 and 5 have been amended as shown above. Claims 9-10 are added by this Amendment.

REJECTION UNDER 35 U.S.C. § 103(a)

A. THE EXAMINER'S POSITION

It is the Examiner's position that Tamiya shows a recording medium playback device including a recording medium accommodation unit 3, a carriage chassis 500 having a pickup 56, a turntable 55 and a pickup moving means 58, a moving means 57 for moving said carriage chassis to a position between the recording mediums accommodated in said recording medium accommodation unit to play back the recording medium, and a recording medium loading means 1 as recited in claim 1. (Office Action at pp. 2-3). The Examiner acknowledges, however, that Tamiya does not teach or suggest "stopper portions" as recited in claim 1. (Office Action at p. 3).

To overcome this acknowledged deficiency in Tamiya, the Examiner relies on Hirano, which the Examiner alleges discloses a stopper 20 for abutting against an outer circumferential edge of the recording medium loaded by said recording medium loading means wherein said

stopper portions are located at a position spaced on/from a loading center line of the recording medium accommodated in said recording medium accommodation unit. (Office Action at p. 3, citing Hirano, Fig. 1). The Examiner further asserts that "the stopper portions are positioned such that the movement of the pickup 2 is not obstructed by said stopper 20." (Office Action at p. 3).

Finally, the Examiner argues that it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the carriage chassis of Tamiya with stopper as taught by Hirano because "one of ordinary skill in the art at the time of the invention would have been motivated to provide the carriage chassis of Tamiya with a stopper as taught by Hirano in order to establish a predetermined positional relationship with the chassis." (Office Action at pp. 3-4, citing Hirano at col. 8, line 64 to col. 9, line 2).

B. TAMIYA IN VIEW OF HIRANO FAILS TO TEACH OR SUGGEST EACH ELEMENT OF THE REJECTED CLAIMS

To establish a *prima facie* case of obviousness, it is the Examiner's burden to establish:

1. a suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;
2. a reasonable expectation of success; and
3. that the prior art references teach or suggest all the claim limitations.

(MPEP 2143). Here, Applicant submits that even if combined as asserted, the cited references fail to teach or suggest each limitation of the rejected claims.

Claim 1 recites a recording medium playback device including a stopper portion ^{configured to} abut ^{the} against an outer circumferential edge of the recording medium loaded by ^{the} said recording medium loading means, ^{Also, the} wherein said stopper portion is provided in ^{the} said carriage chassis and is

*PP The Examiner acknowledges
that Targya does not
suggest the claimed stopper but
Docket No. Q78277 contends
that Hirano
does.*

located at a position spaced on a loading center line of the recording medium accommodated in
the said recording medium accommodation unit. In one non-limiting embodiment described in
Applicant's disclosure, stoppers 208 are provided on carriage chassis 200 and a recording
medium abuts against the stoppers 208. (Figs. 12A-B; p. 17, lines 23-24). Hirano fails to teach
or suggest at least this element of claim 1.

*However,
Applicant
submits
that*

For example,
In Hirano, stopper 20 is provided either on chassis 6 or support member 11. (Figs. 1-2;
col. 8, lines 52-55). The stopper 20 is provided on the rear surface of the chassis 6 and has a L-
shape section, *and is does* (Figs. 1-3). The stopper 20 is not in contact with the outer circumference of a
recording medium, *Instead, it is* but instead is on contact with the end portion of the rear side of the carriage
4. (Fig. 1; col. 8, lines 52-55). Thus, Hirano does not teach or suggest *a stopper portion for configured*
abutting against an outer circumferential edge of the recording medium *a* as recited in claim 1.

Further, Hirano fails to teach or suggest *that a* a recording medium playback device wherein
said stopper portion is provided in said carriage chassis and is located at a position spaced on a
loading center line of the recording medium accommodated in *a* said recording medium
accommodation unit as recited in claim 1. Hirano's carriage 4 is not "a carriage chassis having
at least a pickup, a turntable and a pickup moving means" as recited in claim 1, but instead is a
carriage for moving a recording medium and does not include a pickup, a turntable, or a pickup
moving means. (Fig. 1). Accordingly, Applicant submits that claim 1 is patentable over the
cited art for at least this additional reason.

Applicant respectfully submits that claims 5, 9 and 10 are patentable over the cited art for
analogous reasons. As claims 2-4 and 5-8 depend from claims 1 and 5, respectively, Applicant
submits that these claims are patentable over the cited art at least based on this dependency.